

# HIGHER EDUCATION INSTITUTIONS AND GOVERNMENTS

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## Introduction

In a paper presented to the 1976 Annual Conference of the Australian College of Education on behalf of a group which included the author, a report was made of a study which identified directions in advanced education, with particular emphasis on administrative structures and relationships.<sup>1</sup> The report reviews the philosophical concerns behind the development of higher education in the 1960s and early 1970s, i.e., the rights of individuals to the highest level of education they can attain, the importance to the nation of a highly educated population and the needs of industry for a well educated workforce. It then pointed out and illustrated the marked change in governmental attitudes in 1976 towards the further development of education with little public debate or logical analysis.

Turning to the relationships between tertiary institutions and governments the report draws the following conclusions:<sup>2</sup>

- There had been a gradual shift in decision-making power to Canberra, accompanied by increased bureaucratic structures and procedures, interference by other sections of government with the role of the Commonwealth Commissions and a loss of independence of outlook by the Commissions.
  - State authorities were considered at that time to be relatively weak in their influence on decisions.
  - The initiative for innovation and development remained largely with individual institutions although there was evidence of increasing restrictions being imposed — even if unintentionally.
- The paper concludes as follows:

*The speculation is that this trend (i.e. increasing bureaucratisation) will continue and will become worse unless active steps are taken to change the situation. Furthermore it has been argued that given the probable events of the next few years such a Commonwealth structure will be dysfunctional both to the system and, more particularly, to the individual institutions.<sup>3</sup>*

The developments foreshadowed above have been of direct concern to the author in his role as chairman of a State co-ordinating authority. In 1978 a paper was presented to the Conference of the Australian Association for Research in Education on the Federal role in Australian education. The trends documented in the earlier report quoted above had accelerated, according to the 1978 paper.<sup>4</sup> In other words

centralism had increased further and was documented in the paper; the growth of bureaucracy had become more evident and the Commonwealth procedures in operation had increased the difficulties and confusion of the States and the institutions. Furthermore, two additional worrying features had emerged in clearer focus, namely, the stop-start uncertainty of Commonwealth policies and the extreme confusion about issues of accountability and to whom institutions were responsible.

A further point of considerable importance is that the events outlined above had taken place against the background of the Commonwealth Government's new or cooperative federalism and the promise of the 1975 policy statement (constantly reaffirmed) of the Liberal and National Country Parties that there was no need for heavy handed interference and duplication of function, and that Section 96 of the Constitution would be used as originally intended and not to make inroads into the constitutional responsibilities of the States.

The intent of this paper is to take some of these issues further in the light of what has happened since 1978. In particular, the events of 1981 encompassing procedures and decisions for the 1982-84 triennium have special significance. It is the argument of this article that:

- the thrust of the transfer of power to the Commonwealth Government has been increased tremendously;
- many of the Commonwealth authorities involved do not really understand what is going on — and in fact some of them would deny vehemently that such a transfer in power is taking place;
- the Commonwealth Tertiary Education Commission (C.T.E.C.) and its Councils have lost further credence and respectability as an independent authority advising government;
- State governments and their various co-ordinating authorities have proven to be still weak in fronting up on questions of principle. The Commonwealth Government has beaten them into submission. In retrospect the decision of 1973 when the states surrendered their constitutional rights to allow the Commonwealth to take over complete funding of universities and eventually all CAEs, is proving to be disastrous;
- it is the individual tertiary institutions which are now suffering. It is not just a question of resources, but involves matters of autonomy, freedom to innovate, the nature of an institution, priorities — in short many of those characteristics which distinguish good institutions.

It is the contention of this article that tertiary institutions (reference is made only to universities and CAEs), are facing a crisis of fundamental importance to their autonomy and their futures. Well before planning for 1985-87 commences those institutions should consider seriously their strategies with a view to some concerted action based on philosophical and educational principles. A society cannot afford to have its tertiary institutions reduced to median levels of mediocrity. This indeed is the threat.

The rest of this article will try to document in greater detail the evidence for the assertions made above. The author has been, and still is a strong supporter of state rights on many of these issues. However since he is no longer employed in a state authority there is no direct involvement in his current work. Of much more immediate concern is the health of institutions and the quality of services they can provide. There is too much disquieting evidence from other countries of the deterioration of their tertiary education institutions as a result of ad hoc political reaction to issues and problems.

As an illustration, although the specifics differ, the United Kingdom faces real political and philosophical issues similar if not identical to those in Australia. Writing in *The Times Higher Education Supplement* in November 1981, William Taylor says:

*There are many kinds of damage being done to higher education by the policies of the present government. Not least important is the undermining of collegial governance and the destruction of relationships and understanding which underpin many of the essential qualities of the academic enterprise. Such understandings have taken generations to develop and to be disseminated.*

and, in the same article:

*There is nothing inherently absurd about universities even twenty per cent smaller than they are today. But the damage done in the process of getting there, at the speed at which we are being forced to move, may inflict wounds on the character of academic life which will take a very long time to heal.<sup>5</sup>*

## The Legislative Background

Of all the constraints which affect the operation of institutions, the easiest to describe are the legislative provisions — even though understanding them and their implications is much more difficult.

Each university has been established under its own Act as a self-governing institution providing for incorporation as a body corporate and establishing the powers and responsibilities of its governing body to manage the affairs of the institution. All but the Australian National University (Commonwealth legislation) are established under State Acts.

Some of the CAEs in the States have individual Acts but the majority are established under umbrella legislation. Again the legislation provides in general for self-government, although there are varying degrees of restriction from State to State on the powers of the governing bodies. The variations from this general statement are minor and not significant to the argument.

All States have enacted legislation establishing co-ordinating authorities. However the extent of their powers varies. For example only in three States does the legislation provide for the involvement of both universities and CAEs on a reasonably comparable basis — at least in theory. Institutions are subject also to such legislation as affects staff industrial conditions and the general operation of a corporate body in modern society. Nevertheless, apart from co-ordinating authorities, where the provisions differ across and within the States, tertiary education institutions have few restrictions placed on them by State legislation. In the recent past amendments to their Acts and Statutes have been initiated usually by the institutions themselves. The one exception to this has been the recent moves in connection with student associations and compulsory membership.

The Commonwealth involvement in tertiary education extends back for many years. However the modern era dates from 1974 when the Commonwealth took over complete responsibility for funding universities and CAEs with a consequent adjustment to the general financial agreements between States and Commonwealth. The States readily gave away their constitutional rights and obligations; but it should be added in all honesty that this was to the delight of the majority of the universities and CAEs.

To administer its responsibilities the Commonwealth Government has established by legislation the C.T.E.C. to advise the Minister on the necessity for, and the conditions and allocations of, financial assistance to universities and CAEs. The other legislative provisions pertinent to this discussion are:

- The Commission shall inquire into matters related to tertiary institutions;
- The Commission has administrative functions in dealing with financial disbursement;
- The Commission is supposed to be concerned with the promotion of balanced and co-ordinated development in tertiary education and with the diversification of educational opportunity;
- The Commission is required to consult with State authorities; and
- The Commission has three Councils, one for each sector of university, advanced and technical education, the duties of the Councils being to advise the Commission and the Minister on matters relating to their sectors.<sup>6</sup>

One other area of legislation is crucial. The Commonwealth Parliament makes grants under Section 96 to the States by legislation contained in specific Acts known as State Grants (Tertiary Education Assistance). These Acts or amendments thereto must be passed annually — even where triennial funding operates. It is this legislation which specifies the conditions which are imposed on tertiary education institutions and the States and which are attached to the grants. Over the past five years the nature of those conditions has extended beyond that required to ensure proper financial management and accounting and now probe into and place restrictions on key features of the responsibilities and operations of institutions.

The legislation of 1981 was used to extend considerably the restrictions and conditions attached to grants. First of all there was the threat that institutions would be excluded from the Act if States did not conform — and hence no Commonwealth funding would be available. Secondly, there were conditions attached to the use of the money itself in the operation of the institution. These events are developed in greater detail later.

Some other Commonwealth legislation affects institutions, e.g., that providing for recommendations and academic salaries. However in order to implement its decisions in this area — and in others — the Commonwealth has to resort to attaching conditions through the States Grants Act.

The brief outline above of the key legislative provisions immediately raises questions of overlap and duplication in theory and in practice. How could one relatively small country have developed such a legislative nightmare? How does an institution know where it stands? On the one hand it is responsible to a State Parliament through its legislation. On the other it must obtain its financial support from the Commonwealth which has shown increasing signs of irrationality and unpredictability. Nibbling away at the institutions are the State co-ordinating authorities, the C.T.E.C. and its Councils, together with other Commonwealth and State agencies and interested organisations.

Nothing but a complete re-think of the legislation can deal adequately with the present situation. That would mean probably another inquiry which is to be avoided at all costs. In any case agreement is not likely to be reached. However some rationalisation would appear to be essential.

### The Process in Operation

If the provisions of the various pieces of legislation could be implemented reasonably faithfully the position of the institutions might be tolerable — even if barely so. But of course that is seldom possible even in the best of worlds. The situation in Australia in the past five years has been anything but that.

The effects of Commonwealth and State policies and practices on institutions vary from State to State, depending on State legislation and practice, but even more so depending on the type of institution. For example universities have enjoyed a large degree of independence. They tolerate and resist wherever possible, any attempts by States to infringe on that autonomy whether it be through State co-ordinating authorities or any other way. The universities are assisted in this stance by the C.T.E.C. and the Commonwealth Government which deal directly with universities and, to a large degree, just keep the States informed as necessary.

On the other hand the CAEs have to operate with Canberra though State authorities and their degree of independence is more restricted depending on the State, the size and nature of the institution (note the institutes of technology) and the degree of public influence. The CAEs suffer equally from the vagaries of the Commonwealth but point out that the States restrict them too.

The official position of the Commonwealth is expressed in the statement by the Commission to the Joint Parliamentary Committee on Public Accounts.<sup>7</sup> Typical statements are as follows:

*Tertiary education is the constitutional responsibility of the States. (para 2.2)*

*The Commission does not 'run' tertiary education or tertiary institutions. (para 2.2)*

*Funding arrangements are designed to maintain rather than reduce the responsibility of the States and the autonomy of State institutions. (para 2.8)*

*Although it may exercise a major influence over the development of tertiary education, the Commission does not 'run' or manage tertiary education or tertiary institutions. (para 2.9)*

The Commonwealth Government has also maintained the position of the integrity of the States under its policy of 'cooperative federalism' — whatever that may mean.

However few people can now deny that the development of Federal intervention, culminating in the events of 1981 represent, in practice, a resounding reversal of the theoretical position stated above.

The major contributing factors may be clustered into three complex groups. The first is the lack of any consistent policies and principles behind the Commonwealth Government's and the C.T.E.C's treatment of post-secondary education. The second appears to be the growth of bureaucratic structures and procedures leading to a search for uniformity and the bringing to bear of many sections of the civil service bureaucracy. The third appears to be a change in the

role of the C.T.E.C. and its Councils which now behave as extensions of the bureaucracy rather than bodies giving independent advice, together with the emergence of the C.T.E.C. as a dominating factor over the Councils.

In developing further the first of these points, namely the lack of adequate policy development by the Commonwealth Government, the following elaboration is offered:

- The Commonwealth Government appears to be more concerned with reacting in accordance with what it sees as the public opinion — particularly from those quarters considered to be its political support. Since public opinion is notoriously variable and diffuse it is obvious that one can hear what one wishes. From time to time, accountability, value for money, failure of education to train people adequately and other such matters have appeared to engage government focus.

- Major public inquiries have been established and have reported e.g., Williams, Auchmuty, Myers. However by the time the reports were in the Commonwealth Government appeared to have lost interest and seemed most interested in shelving the recommendations as soon as possible.

- Policies which during the 1960s and early 1970s appeared to be the cornerstone for the development of tertiary education e.g., access, opportunity for all who can qualify, the fostering of a well educated community, have been abandoned with no real debate or analysis.

- Key decisions have been made by the Government and its agencies e.g., the Razor Gang with no attempt to obtain evidence or in some cases on flimsy, incomplete and sometimes misinterpreted evidence.

With respect to the development of bureaucracy the following are illustrations:

- Typical civil service procedures have become more prevalent e.g., the dominance of permanent staff, the increasing demands for information, delays in decision-making and so on.

- The might of the Commonwealth system has become involved in decision-making about tertiary education, e.g., the Departments of Treasury, Education, Prime Minister and Cabinet, Administrative Services. Where does the C.T.E.C. stand in this?

- The legislation, particularly the States Grants (Tertiary Education Assistance) Acts are so cumbersome and unnecessarily complex that few can possibly understand them.

Finally an elaboration must be made on the disappointing performance of the C.T.E.C. It has come under widespread criticism for surrendering its independence and for becoming simply an administrative arm of the Government to anticipate and then simply implement, without offering independent advice — and where necessary, criticism. It took a

somewhat stronger stand in its *Report for the 1982-84 Triennium*, Volume 2, by then it was much too late. It is difficult to understand how the C.T.E.C. could stand idly by and see the information in its Volume 1 report misinterpreted and taken out of context and then turn around and pursue rigorously the Government policy of direct interference with the independent operation of the institutions and the rights of States.

Furthermore, it is hard to understand how the C.T.E.C. could veto the advice of its Councils — not just on matters of major national and overall policies, but on specific recommendations made by the Councils presumably after many months of detailed study and consultation with the States and with institutions.

Much more could be documented in this area. However, the net result is that the relationships between institutions and government are in a far worse state than even the confused legislation would suggest the situation should be. The C.T.E.C. has become the sledge hammer of the Commonwealth Government to bludgeon institutions into line with the overwhelming sanction that 'you do it my way or funding will be withheld'. Unfortunately the States appear unable or unwilling to resist the Commonwealth Government.

A serious accusation such as the one above requires further support. Certain events in 1981 during the finalisation of planning for the 1982-84 triennium provide additional evidence.

### Some Aspects of Planning for 1982-84

It was accepted very early in the planning for 1982-84 that the financial position of institutions would be difficult. The reason for this rested almost entirely in the political stance that Commonwealth Government expenditure had to be reduced rather than in any detailed debate on the real needs of tertiary education. Nevertheless, there were some specific problems that institutions and State authorities had to address, namely:

- The triennium 1982-84 would be largely a standstill, perhaps even a regressive period. Institutions would have to be very selective, and even ruthless, in order to provide for essential growth in priority areas.

- Capital development would be minimal, highly selective politically and leave the tertiary education institutions even further behind in the quality of capital provisions, including modern equipment.

- Teacher education was a special problem. Some States had been dilatory in reducing the basic pre-service teacher education intakes and would have to be forced to toe the line. The other States which had taken responsible action were in danger of being swamped in the punitive actions proposed by the Commonwealth for the nation as a whole.

- Some smaller institutions, both universities and colleges, which had not grown to the degree originally envisaged, were under threat to amalgamate — or at least do something.

Given these and other considerations, the institutions and the States prepared detailed submissions with respect to their perspectives on the developments for 1982-84. According to reports, no planning period has elicited more detailed proposals from institutions and States despite the scarcity of general philosophical and educational guidelines from the Commonwealth.

The C.T.E.C. issued its recommendations to Government in its *Report for the Triennium 1982-84*, Volume 1 in February 1981.<sup>8</sup> The general tone of the recommendations were as expected although it was impossible to avoid the suspicion that the Commission had its eye on the main chance, i.e., what was the Government geared to accept. The recommendations on general development of the tertiary education sector were much as expected, i.e., no growth, re-allocation of some resources and so on. However, this section is concerned more with the issue of the infringement of the rights of institutions and States and hence it will focus specifically on examples of those issues.

The C.T.E.C. was quite rightly concerned with measures for rationalisation, and among these the position of teacher education could not be ignored. It wished to reduce the numbers and resources in teacher education and direct those resources to science, technology and business education studies.<sup>9</sup> Hence its policy was to recommend such action and it chose consolidation as an appropriate measure.

*Institutions which are predominantly concerned with teacher education to be consolidated into larger units by their incorporation into multi-purpose or multi-campus CAEs or by their integration with neighbouring universities.<sup>10</sup>*

The logical, philosophical and educational arguments in favour of the above are not given in the Report. There is no development of the arguments in favour of consolidation of institutions into larger units and indeed the Report as a whole does not really see it as a central issue. For some States (e.g., Western Australia and Queensland) the Commonwealth accepted that steps already taken to rationalise teacher education numbers were acceptable and the proposed enrolment levels could be maintained.

In the Report a Table (the notorious 5.1) is included showing intake into Pre-Service Teacher Education Courses for Selected (a) CAEs, 1977; 1979 and 1980. The footnote '(a)' says CAEs for which teacher education is the major activity. The use to which this Table was put by the Commonwealth Government in making major decisions about tertiary education is surprising, to say the least, and the acceptance, without protest by the C.T.E.C. of the misuse of its information borders on a lack of integrity.

Logically the next important step in the sequence should have been the issuing of Commonwealth Government Guidelines in June 1981. However the process was upstaged by a special Committee report entitled *Review of Commonwealth Functions* presented to Parliament on 30th April 1981.<sup>12</sup> It is useful to this argument to examine selected extracts:

*Big government concentrates power, loses a perspective on its own limitations, and leaves less room for people to make their own choices. (p.2)*

*A nation Australia's size cannot be effectively governed from Canberra. . . (p.18)*

*The State and local governments are closer to the recipients of many services and are better placed to administer those programs. (p.19)*

(With respect to Education)

*As with Health, the Commonwealth believes that the States have a primary responsibility for the administration and delivery of educational services. Accordingly, it proposes to reduce significantly its involvement in this area. (p.21)*

*Arising from the recommendations of the Tertiary Education Commission, the Government will promote a major rationalisation and re-allocation of resources in higher education. This will involve consolidation into larger units of 30 existing Colleges of Advanced Education, for which teacher education is the main activity, by their incorporation into multi-purpose or multi-campus colleges with a single governing body or by integration with neighbouring universities. (p.23)*

The Guidelines for 1982-84 issued by the Commonwealth Minister for Education were a formality following the Razor Gang report. As expected, resources were reduced severely but they included also the edict that unless the rationalisation of the listed CAEs and universities had been achieved to the Minister's satisfaction by December 1981, funding for those colleges and universities would be withheld. Just look at the ethical considerations, apart from anything else. Here is a Government, on palpably ad hoc grounds saying to an institution (and more importantly to its students enrolled in good faith) conform to our idea of the nature of the government and size of an institution or we will not provide the funds for the institution to continue and for you to complete your course.

Moral principles aside, the saga continues:

- Irrespective of the record on rationalisation of teacher education and the accepted maintaining of enrolment levels, each State was eventually forced to amalgamate its institutions in the face of strongly advanced philosophical, educational, administrative and financial arguments against.

- Despite repeated statements that alternatives put forward would be considered, all compromise plans were rejected by the C.T.E.C. and the Minister (other than eventual agreement in particular cases to delay for twelve months a final decision). In other words the Commonwealth view prevailed, right or wrong, and had to be enforced uniformly across the nation irrespective of the particular circumstances.

- The States have shown their weakness in the Commonwealth-State relationships arena by their collapse in haste once the pressure was on. Financial considerations predominated.

- Those universities involved in mergers received scant support — particularly from their major colleagues. They eventually succumbed also.

In summary then, the following trends have emerged in 1981:

- Commonwealth Government policy was determined without logical support or principle;
- The Commonwealth will be imposed on States and institutions in matters of courses, governance, organisation and administration;

- The main mechanism used through the States Grants Act was the threat to withhold funds if the institution did not conform to the conditions specified. Part of this mechanism was simply to exclude an institution from the Act so that it is not funded. No state has challenged the Commonwealth seriously on this issue.

- No tertiary education institution is exempt, and judging by Commonwealth statements few areas of institutional autonomy and operations are sacrosanct.

- Widespread protests by States, the AVCC, the Conference of Principals of Colleges, and staff associations had no effect.

- The C.T.E.C. has lost credibility as an impartial body giving advice to government.

#### What of the Future?

Now that the planning for 1982-84 is over, there is a danger that institutions will concentrate on the many problems of coping with straitened circumstances and forget the real threat to the fundamental character of higher education institutions.

The issues of Commonwealth-State rights are of lesser importance than the Commonwealth threat to institutions. Having beaten down all opposition once, there is a real danger that policy will be decided in the same way again, i.e., based on political whim rather than rational analysis. Implementation will be by means of the financial bludgeon.

Some possible lines of action might be:

- The AVCC and the Conference of Principals should open up discussion now with the C.T.E.C., while the rush of planning has abated;

- The possibility of united action by institutions with their State co-ordinating authorities should be explored. Some universities might see this as substituting one public master for another. However at the local State level universities have a lot of political clout to prevent undue interference.

- Concerted action should include all parties, i.e., hopefully, a united front between staff associations and the AVCC and the Conference of Principals.

- Tertiary institutions must become more politically sophisticated and must learn to use procedures and techniques designed to lobby and influence politicians. Resources should be devoted and specialist staff recruited for this purpose.

- Evaluative studies should be made of the changes forced by the Commonwealth Government so that a dispassionate review can be available.

The reader may believe that the Commonwealth threat to higher education has been exaggerated. It is to be hoped that it is. However, given the events of recent years, it would be folly to assume this and to avoid taking some action now. Institutional-governmental relationships are at a low ebb. Remember Bill Taylor's fears at the beginning of this paper. Can the reader honestly deny this possibility in the Australian scene?

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